

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John Robert Umbarger**
Docket No. **276183**
L.C. No. **95-003388-FC & 95-003419-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Regardless of the title of the first motion, it constituted a motion for relief from judgment. See MCR 6.501. A defendant cannot circumvent MCR 6.502(G)(1) by incorrectly titling either the first or second motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 5 2007

Date

Sandra Schultz Mengel
Chief Clerk